

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

NOV 7 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

VIRGIL POPESCU,

Plaintiff-Appellant,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION; et al.,

Defendants-Appellees.

No. 14-56648

D.C. No. 3:13-cv-00564-BEN-JLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Southern District of California  
Roger T. Benitez, District Judge, Presiding

Submitted October 25, 2016\*\*

Before: LEAVY, GRABER, and CHRISTEN, Circuit Judges.

Virgil Popescu appeals pro se from the district court's order denying his motion for reconsideration following the dismissal of his 42 U.S.C. § 1983 action alleging federal and state law claims. We have jurisdiction under 28 U.S.C.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1291. We review for an abuse of discretion. *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court did not abuse its discretion by denying Popescu's motion for reconsideration because Popescu failed to establish any basis for such relief. *See id.* at 1262-63 (setting forth grounds for reconsideration under Fed. R. Civ. P. 59(e) and 60(b)).

**AFFIRMED.**